

ENTERED

January 18, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

CLAUDIA LIZETT GARZA,
Plaintiff,

v.

REX TILLERSON, Secretary of State, and
UNITED STATES OF AMERICA,
Defendants.

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Civil Action No. 1:17-CV-132

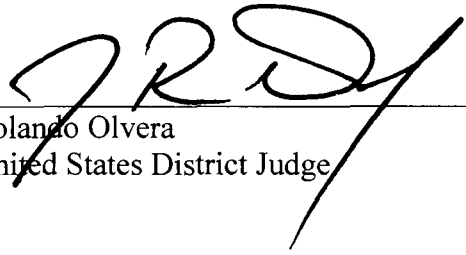
ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before this Court is Rex. W. Tillerson (Secretary of State) and United States of America's (hereafter, collectively known as "Defendants") "Defendants' Partial Motion to Dismiss" (Docket No. 7) and the "Magistrate Judge's Report and Recommendation" (Docket No. 14) (hereafter "R&R"). The deadline to respond to the R&R was December 28, 2017; no objections were filed. After a *do novo* review of the record, the R&R (Docket No. 14) is hereby **ADOPTED**. Accordingly:

1. Plaintiff's 8 U.S.C. § 1503(a) claim against the State Department for refusing to approve her fiancé's immigrant visa is **DISMISSED** pursuant to Federal Rule of Civil Procedure 12(b)(6).
2. Plaintiff's Administrative Procedure Act claims against the State Department for failing to consider certain facts or provide notice and an opportunity to be heard prior to revoking her passport is **DISMISSED** pursuant to Federal Rule of Civil Procedure 12(b)(1).
3. The United States is **DISMISSED** as a Defendant in this cause of action.
4. Plaintiff's requests for injunctive relief against Secretary Tillerson is **DISMISSED** pursuant to Federal Rule of Civil Procedure 12(b)(6).

5. Plaintiff's 8 U.S.C. § 1503(a) claim seeking a declaratory judgment granting citizenship on the basis of Plaintiff's passport revocation survives Defendants' "Defendants' Partial Motion to Dismiss" (Docket No. 7).

Signed on this 18th day of January, 2018.



Rolando Olvera
United States District Judge